
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

KANE COUNTY, UTAH (2), (3) and (4),
a Utah political subdivision; and STATE OF
UTAH,

Plaintiffs,
v.

UNITED STATES OF AMERICA,

Defendant,
SOUTHERN UTAH WILDERNESS
ALLIANCE, et al.,

Permissive Intervenor-Defendants.

**RESOLUTION OF MOTION
FOR OTHER RELIEF**

Case No. 2:10-cv-01073
Consolidated with: 2:11-cv-1031 and
2:12-cv-476

Judge Clark Waddoups

On July 19, 2024, Plaintiffs Kane County, Utah and the State of Utah filed a Request for Hearing for an issue pertaining to K6000 House Rock Valley Road. The court informed the parties that it was “treating the request as a Motion for Hearing and other relief.” Order, at 1 (ECF No. 794). The court held an evidentiary hearing on August 21–22, 2024, where Kane County put on evidence about the need for a culvert at Buckskin Wash on K6000 to address public safety and maintenance issues when flood waters cover the road. Kane County further put on evidence about the history concerning culvert installations, and how it is a necessary part of the County’s standard maintenance practices. No contrary evidence was presented about the need for a culvert at Buckskin Wash or that Kane County has a long history of installing culverts as part of its maintenance program to keep roads in operable condition.

Following the presentation of evidence, the court asked the parties how they wanted to proceed. The court heard argument from Kane County and the United States. After hearing argument, the court stated that in its August 9, 2024 memorandum decision, the court held that Kane County holds vested title in K6000 House Rock Valley Road, as an R.S. 2477 road, because K6000 was an established and documented Class B road prior to October 21, 1976. The court further stated that it held, in the same memorandum decision, that a holder of vested title in an R.S. 2477 road may proceed with maintenance activities as of right.

Based on the court's prior rulings and the evidence presented concerning maintenance, Kane County withdrew its request for further relief. Accordingly, the motion for other relief is now moot (ECF No. 786).

DATED this 22nd day of August, 2024.

BY THE COURT:



Clark Waddoups
United States District Court